

NEW JERSEY DEPARTMENT OF
COMMUNITY AFFAIRS



A Tenant's Guide to the **Section 8** Housing Program



Richard J. Codey
Acting Governor



Susan Bass Levin
Commissioner

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Greetings from Acting Governor Codey and Commissioner Levin

On behalf of the Department of Community Affairs (DCA), we would like to welcome you to the Section 8 Housing Program. The guide is given to you as part of your initial program briefing and contains valuable information that will help you better understand the Section 8 Program.

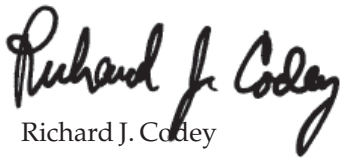
The Section 8 Tenant-Based Assistance Program, administered by DCA's Division of Housing and Community Resources, is funded by the United States Department of Housing and Urban Development (HUD). The goal of this program is to provide affordable housing in the private rental market to very low-income households. One of our housing initiatives has always been to ensure that every New Jersey citizen has a safe and secure place to call home, and we believe this program helps make that possible.

We encourage you to work with your Section 8 Program representative to help you with your efforts to receive housing assistance. This guide will outline everything you need to know about the Section 8 program and we urge you to keep this guide in a safe place for your future reference.

To further our housing initiatives, DCA's Division of Housing and Community Resources recently began participating in HUD's Section 8 Housing Choice Voucher Homeownership Program. This program helps Section 8 participants purchase a home using their Section 8 assistance. If you are interested in this program, more detailed information about the Section 8 Housing Choice Voucher Program, the Section 8 Homeownership Program and the many other programs offered by HUD can be found on their Web site at www.hud.gov.

For the Section 8 Program to be successful, a good working relationship is vital between all parties involved. We believe the Section 8 program and programs like it are essential to ensuring a good quality of life for low- and moderate-income families in New Jersey. We want to make this process as easy as possible for you, and we hope this guide will help you through the process.

With regards,



Richard J. Codey
Acting Governor



Susan Bass Levin
Commissioner

Offer of Assistance

Housing Choice Vouchers

Vouchers are issued based upon family size and composition (subsidy standards). HUD requires subsidy standards to be applied consistently for all households of like size and composition. They must also provide for the smallest number of bedrooms needed to house a family without overcrowding.

Exceptions to the subsidy standard may be considered because of the age, sex, health, handicap, relationship of household members or

other individual circumstances. To request an exception from these standards, your request must be in writing and it should include documentation from a recognized authority explaining the reason for the request and the conditions that warrant approval.

When you receive a Voucher, it means funds are being reserved to provide housing assistance for your household. You have 60-120 days from the date the Voucher was issued to satisfy the program's requirements.

Subsidy Standards Used by the DCA to Issue Certificates and Vouchers

Certificate/Voucher Size	Number of persons in the Household
0-Bedroom	1
1-Bedroom	1-2
2-Bedroom	2-4
3-Bedroom	4-6
4-Bedroom	6-8
5-Bedroom	8-10
6-Bedroom	10-12

The Rental Voucher Program

DCA administers one Section 8 Tenant-Based Assistance Program:

- The Housing Choice Voucher Program.

This program provides housing assistance so that eligible households can rent privately-owned housing on the open market.

Topic Rental Voucher Program

Housing Subsidy	DCA first calculates the maximum subsidy and what the household pays varies with the Actual gross rent.
Fair Market Rents Payment Standards	The Rental Voucher Program has no Fair Market Rent limitation. The Program determines the Payment Standard, which is used to calculate the household's subsidy in the Rental Voucher Program. The Payment Standard may not be less than 80% of the Fair Market Rent or more than 110% of the Fair Market Rent.
Household Share	Participants may select housing that rents for more or less than the Payment Standard and may pay more than 30% of their adjusted monthly income for rent and utilities.
Rent Increases	After a landlord written request, rent increases are not limited by an annual adjustment factor, but they are subject to a "rent reasonableness" test.

The Voucher Program Payment Standard

The Section 8 Housing Choice Voucher Program does not have a fixed rent ceiling. To determine the amount of housing assistance, the program has established a payment standard schedule.

Households are given the opportunity to search for housing with a total housing cost that may be less than or greater than the payment standard. The household's portion of the monthly rent will depend upon the total housing cost of the dwelling unit that is chosen.

For example, if you find housing with a total housing cost that is less than the payment standard, you will pay 30 percent of your adjusted monthly income toward your rent and utilities. If the total housing cost is more than the payment standard, you will be required to pay more than 30 percent of your adjusted monthly income toward your rent and utilities, up to a maximum of 40 percent, after which the unit no longer qualifies for participation in the program.

Basic Housing Requirements

In order to receive housing assistance, you need to understand some important requirements.

The dwelling unit you select must meet federal housing quality standards (HQS). Any type of rental housing that meets these standards may be considered. A suitable dwelling unit is:

- In good condition
- Free from health and fire hazards
- Large enough to meet the occupancy standards of the program

To help you identify a suitable dwelling unit, you will be given a copy of two HUD brochures: *A Good Place To Live and Protect your Family From Lead In Your Home*.

You and your prospective landlord are required to sign a *Request for Tenancy Approval*

form. An example of this HUD-form is included in this booklet's Appendix. You may submit only **ONE Request for Tenancy Approval** form at a time.

You and the landlord are required to enter into a lease agreement that complies with program requirements. A copy of program's required lease addendum will be given to you.

A contract between the landlord and DCA also must be signed. This is called the Housing Assistance Payments (HAP) Contract, and guarantees the landlord that the program will pay a portion of your rent each month.

Housing Search Period

Your Voucher is valid for an initial period of 60 days. This means that you and a prospective landlord must sign a *Request for Tenancy Approval* form before the end of this period. If you have not located suitable housing within 60 days, your program representative may authorize an extension of your Voucher for an additional 30 days. Program regulations permit a maximum of two 30-day extensions or a total of 120 days to conduct your housing search.

You must request an extension in writing, and submit it to your program representative at

least five days prior to the expiration date on the Voucher. An extension will not be granted unless you have made a sincere effort to locate suitable housing. If you are unable to find housing within the allocated time, your Voucher will expire. If your Voucher expires, you can ask your program representative if it is possible for you to reapply.

Reasonable accommodation will be made for handicapped and disabled participants.

Finding Suitable Housing

You may receive housing assistance in your present housing if:

- Your housing meets the program's housing quality standards
- Your housing unit is large enough for a household of your size
- Your landlord is willing to participate in the program

Generally, the dwelling unit must contain at least one bedroom or living/sleeping room of appropriate size for every two people. People of

opposite sex, other than husband and wife or children under the age of 7, are not required to occupy the same bedroom or living/sleeping room.

Your program representative will determine if your present dwelling unit meets these requirements and will contact your landlord about completing the necessary program forms.

Relocating to New Housing

You are responsible for finding a suitable dwelling unit if your present housing does not meet program requirements or if you wish to relocate. Your program representative will assist you in your housing search by referring you to participating landlords with vacancies. If your household includes a disabled person, you will be given a current listing of accessible units known to the program.

The best place to look for vacancies is in:

- The local newspaper that covers the area where you wish to reside
- On public notice boards in laundromats
- Grocery stores
- Neighborhood service centers

Real estate agencies that charge a fee for showing their listings are generally not recommended. However, some rental agents may be useful in locating housing. If you decide to use the services of an agency that charges a fee to help you find housing, you are responsible for the expense.

When you find an advertisement for a vacancy, call the telephone number listed. Questions that you should ask are:

- How much is the rent?
- Which utilities will I be responsible for?
- What is the condition of the dwelling unit?
- Are the stove and refrigerator provided?
- How many bedrooms does the dwelling unit have?
- Is the housing located close to public transportation, centers of employment, schools and shopping?
- Are there special restrictions, such as a no pet provision?

In addition, you should write down the complete address of the dwelling unit and the name, address and phone number of the owner or manager.

When you have obtained enough information to be sure the dwelling unit might be suitable for your household, ask for an appointment to see it. Be prompt for the appointment. If you cannot keep it, call to reschedule. Remember, the time you have to locate housing is limited and good rental housing will be rented very quickly.

Once you have reached a tentative agreement to rent housing from a landlord, it is necessary to submit a completed *Request for Tenancy Approval* form to your program representative. This is a required HUD form that will be supplied to you by the field office. A sample form is included in this booklet's Appendix. It requests information about the rental the public housing agency (PHA) will require to make an initial determination of whether that particular unit is eligible. The tenant and landlord must sign and date this form before it is submitted. Submission of this form will initiate a landlord briefing on the program as well as a Housing Quality Standards inspection of the unit.

Your program representative will explain the Section 8 Tenant-Based Program to the landlord and will complete an inspection of the housing. If the dwelling unit meets program requirements and the landlord agrees to participate in the program, your program representative will coordinate the necessary paperwork. These documents then will be submitted to the program's central office for final approval. If these documents are approved, you will receive a copy of the lease agreement, a written notice of the amount of the rent that you are required to pay and the effective date of the housing subsidy. You should keep these papers in a safe place.

Regional Mobility and Portability of Assistance

DCA continues to expand the number of landlords participating in the Section 8 Program. Our goal is to increase the number and the diversity of neighborhoods where Section 8 Program participants can live. You are encouraged to move to low-poverty neighborhoods that offer high-quality housing, education and employment opportunities.

Your field representative will help you to identify available housing in a number of neighborhoods, and will assist you by providing directions, maps and community and neighborhood information for areas you are interested in.

Our Section 8 Program works closely with a large number of other Section 8 Programs in New Jersey and other states. If you and your family wish to relocate with your Section 8 Voucher, our office will help you by working with other housing agencies in areas where you wish to move.

Your family may want to receive housing assistance in another county within New Jersey or even move to another state. If you wish to make such a move, you should discuss this with your field representative. They will explain

where you can move. You will be required to identify the community you are interested in moving to, and give the name and address of the Section 8 Housing Program that serves that community.

If you already are receiving Section 8 housing assistance, you are required to provide proper notice of your intent to relocate to your landlord and to the program in accordance with your lease agreement.

When we receive this information, the program then will send the necessary information to the Section 8 Program in the area you are relocating to. You also will receive a copy. When you receive the letter, you should contact that Section 8 Program immediately. They will inform you about how the program works in their area.

Because of the amount of work involved to transfer your Section 8 assistance from one agency to another, an interruption in your Section 8 rental assistance is possible. Be sure to prepare for this by budgeting so that you can pay for rent, moving expenses and a security deposit for your new housing.

Information the Program May Provide to a Landlord

In accordance with program regulations, your prospective landlord will be given a household's current address and the address of the household's current and prior landlord, if known by the program. Participating owners will be provided with the forwarding address of

their former Section 8 tenants if the program has the information. Other information regarding the household will not be disclosed or released outside of HUD, except as permitted or required by law.

Discrimination in Housing

As a resident or citizen of the United States, you are entitled to equal housing opportunity regardless of race, color, creed, sex, national origin, ancestry, handicap, familial or marital status. The following constitutes discriminatory acts when the reasons are based on membership in one of the protected classes listed above:

- Refusing to rent or sell property
- Discriminating in terms or conditions for buying or renting housing
- Discrimination in advertising available housing
- Denying that housing is available for inspection, rental or sale when it actually is

If you believe you have been discriminated against, you should complete a copy of the *Housing Discrimination Complaint Form*, which

is included in this booklet's Appendix. The form may be mailed or taken in person to the HUD regional office listed on the back of the form. You can obtain assistance in learning about the Fair Housing Act or in filing a complaint by calling the toll-free Fair Housing Complaint Hotline at 1- 800-669-9777. Hearing impaired persons may call (TDD) 1-800-927-9275.

You also are encouraged to contact the New Jersey Department of Law and Public Safety's Division of Civil Rights for assistance at the following regional offices:

Atlantic City	(609) 441-3100
Camden	(856) 757-2850
Newark	(973) 648-2700
Paterson	(973) 977-4500
Trenton	(609) 292-4605

The Franklin Tower Decision

The Franklin Tower Decision of the New Jersey Supreme Court prohibits landlords from refusing to rent to a tenant because the tenant is a participant in the Section 8 Program.

The book, *Tenant's Rights in New Jersey*, published by Legal Services of New Jersey states the following:

"New Jersey law makes it illegal to refuse to rent to anyone solely because they will pay their rent with rental assistance or welfare. For example, it is illegal for a landlord to refuse to rent to a person because the person receives Section 8 assistance, (N.J.S.A. 2A:42-100). This applies to a tenant who obtains Section 8 while already a tenant, and to those who are seeking to rent from a landlord for the first time, (Franklin Tower-One, L.L.C. v. N.M., 157 N.J. 602-1999)."

Obligations Of The Household

You must comply with specific obligations as a participant of the program. These obligations are part of the program's regulations and are included in the Voucher or the *Statement of Family Responsibility* form that was issued to you. Your program representative will review them with you. Failure to comply with these obligations is grounds for denial or termination of assistance.

The Household Must:

- Sign an Authorization for the Release of Information form, supply any information or documentation that the program determines to be necessary in the administration of the program
- Provide true and complete information to the program
- Disclose and verify Social Security numbers
- Correct a breach of the housing quality standards caused by the household
- Allow the program to inspect the dwelling unit at reasonable times and after reasonable notice
- Notify the program and the owner before the household moves out of the dwelling unit, or terminates the lease with written notice to the owner
- Promptly give the program a copy of any owner eviction notice
- Use the assisted unit solely for residence by the household members listed on the most recent Certification of Household Composition form, and as the household's only residence. The visitation of a guest is limited to a maximum of 30 days during the one-year certification period

- Promptly inform the program of the birth, adoption or court-awarded custody of a child. The household must request the program's approval to add any other household member as an occupant of the assisted unit
- Promptly notify the program if any household member no longer resides in the assisted unit
- Promptly notify the program of absence from the assisted unit

The Household Must Not:

- Commit any serious or repeated violation of the lease
- Sublease or rent the assisted unit, or any part of the assisted unit
- Assign the lease or transfer of the assisted unit
- Own or have any interest in the dwelling unit, except that of a household assisted in cooperative housing or a mobile home where the household leases the pad
- Commit fraud, bribery or any other corrupt or criminal act in connection with the Section 8 Housing Program
- Engage in drug-related criminal activity or violent criminal activity
- Receive Section 8 tenant-based assistance while receiving another housing subsidy

Grounds for Denial or Termination of Assistance

The Section 8 Tenant-Based Program may deny assistance for an applicant or terminate assistance for participant for any of the following reasons:

- If the household violates any obligation under the Section 8 Tenant-Based Program
- If any member of the household has ever been evicted from public housing
- If a housing agency has ever terminated assistance under the certificate or voucher program for any member of the household
- If any member of the household commits drug-related criminal activity or violent criminal activity
- If any member of the household commits fraud, bribery or any other corrupt or criminal act in connection with any federal housing program
- If the household currently owes monies to the program or to another housing agency in conjunction with Section 8 or public housing assistance under the United States Housing Act of 1937
- If the house has not reimbursed the program or another housing agency for amounts paid to an owner under a Housing Assistance Payments Contract for rent, damages to the unit or other amounts owed by the household under the lease
- If the household breaches an agreement to pay amounts owed to the program or to another housing agency
- If a household participating in the Family Self-Sufficiency (FSS) Program fails to comply, without good cause, with the household's FSS contract or participation
- If the household has engaged in or threatened abusive or violent behavior toward program personnel

Your Right to an Informal Hearing

You have the right to request an informal hearing if you disagree with the program over the following:

- The calculation of your total payment or tenant rent
- A determination of the appropriate utility allowance, if any, for tenant-paid utilities from the program's utility allowance schedule
- The determination of the number of bedrooms entered on the Voucher issued to you
- A determination by the Rental Certificate Program that your assisted unit has a larger number of bedrooms than appropriate under the program's subsidy

standards, or the denial of your request for an exception to these standards

- A decision to terminate your assistance because of your household's action or failure to act

An informal hearing must be requested in writing within 10 days of the decision in question. Address your request to:

NJ Department of Community Affairs
Division of Housing and Community Resources
Hearing Coordinator
PO Box 051
Trenton, NJ 08625-0051

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Your Right to an Informal Hearing (continued)

Include in your letter, your name, address, telephone number and the reason you are requesting an informal hearing. The hearing process will afford you with the opportunity to present evidence and witnesses in support of

your position. At your own expense, you may be represented by a private attorney. If you cannot afford representation, check with Legal Services to find out if you qualify to be represented by one of their attorneys.

Frequently Asked Questions

Do I have to pay a security deposit?

Your landlord may collect a security deposit from you in accordance with New Jersey law. If this happens, make sure you get a receipt for it. The lease agreement will identify the bank where the security deposit is being held, in an interest bearing escrow account.

If your security deposit is not sufficient to cover amounts owed under the lease for unpaid tenant rent, tenant-caused damages and/or vacancy loss, the owner may take legal action to collect the balance from you.

How do I pay my portion of the rent?

You are responsible for paying your share of the rent, which is known as the "tenant rent," directly to your landlord. By the first of the month, you must pay the amount stated as tenant rent on your copy of the lease agreement or the notification letter from the program. When utility costs are not included in the rent, you will have to pay your share of the rent and the monthly utility bills for which you are responsible.

Failure to pay your share of the rent, or having your utilities shut-off for nonpayment, may cause you to be evicted and will jeopardize your participation in the program.

DCA will pay its share of the contract rent directly to your landlord at the beginning of each month. You are not responsible for the program's

portion of the rent while the lease and contract are in effect.

When can the landlord increase the rent?

On the anniversary date of the Housing Assistance Payment Contract, the landlord is allowed to increase the rent according to applicable federal regulations or municipal ordinances. Rent increases may be approved that reflect actual increases in property taxes, utility rates or similar costs.

You must contact your program representative if you receive any notification from the landlord that a change in the rent is requested. Your program representative will advise you of the effect that a rent increase will have on your portion of the rent.

What do I have to do to stay in the program?

Comply with *all* the Obligations of the Family listed on the Voucher issued to you and in this booklet. At the end of each annual certification period, your occupancy under the lease and contract may be continued as long as all program requirements are satisfied.

You will receive advance written notice of the need to re-examine your eligibility and re-inspect your housing. Your household's eligibility for the program will be re-examined and all household income will be re-verified.

Your assisted housing unit will be re-inspected annually and it must continue to meet the federal housing quality standards.

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Frequently Asked Questions...continued

What changes must I report to the program?

You MUST report, in writing, any change in the size or composition of your household to your program representative. You must send this notice within 10 days of the change.

Your household's portion of the rent may either be increased or decreased to reflect a change in the size or composition of your household.

A decrease in Tenant Rent will only take effect after all income sources of the household are re-verified by the program.

What if I want to move?

You may move after the first year of the term of your lease. However, you must stay in your unit for one year unless you have special circumstances that threaten your health and or safety.

You *must* give advanced written notice to your landlord to end your lease. Your lease will tell you how many days notice you must give - it could be 30 or 60 days. You *must* send a copy of the notice to your program representative. You will lose your housing assistance if you move without giving your landlord **AND** your program representative proper notice.

What if I have a problem with my landlord?

If you have a complaint about your tenancy, notify your landlord in writing and keep a copy for your own records. You may obtain legal advice by contacting your local legal services agency. Check the telephone directory for the legal services office nearest you.

The Office of Landlord/Tenant Information at the New Jersey Department of Community Affairs is another resource for information. They may be contacted by calling (609) 292-4174 or by writing to the Office of Landlord/Tenant Information, P.O. Box 805, Trenton, New Jersey 08625.

Your program representative should be advised if the problem remains unresolved. Under no circumstances should you withhold your portion of the rent without notifying your program representative.

Am I responsible for damage to the property?

You are responsible for maintaining your housing in good condition. Tenants, or their guests, who willfully or through neglect cause damages to an assisted unit may be determined ineligible for continued program participation.

Additionally, a tenant who willfully causes damage to an assisted unit may be terminated from the program.

What if my landlord wants to evict me?

A landlord may recover possession of rental housing by consent of the tenant, or through the legal process of eviction. A "self-help" eviction, that is, entry into a dwelling unit and removal of tenants without their permission or without a judgment from a court is an unlawful act in New Jersey.

A landlord may evict a tenant if the landlord can prove, in court, that one of the good causes listed in the New Jersey Anti-Eviction Act has occurred. A participant, whose landlord has just cause for eviction, may be denied continued program eligibility.

What is the Unit Based Assistance Program?

DCA also administers two Section 8 Unit-Based Assistance Programs:

- The Project-Based Certificate Program
- The Moderate Rehabilitation Program

These programs are similar to the Rental Certificate Program, except the subsidy is tied to the building rather than the household. This means that you cannot transfer your housing assistance to another unit. Once you are leased,

continued on next page

Frequently Asked Questions...continued

you will pay 30 percent of your adjusted monthly income towards your rent and utilities.

The owner of the rental property has the final say on who lives in the unit. If you decide to move, you may NOT take your housing assistance with you. All of the “obligations” for households in the tenant-based program apply to participants in these unit based housing programs. Your program representative will give you more specific details if you seek participation in these programs.

Additional Information

You also will be given the following items:

- A Good Place to Live!
- Protect Your Family From Lead in Your Home
- The program’s current utility allowance schedule
- The HUD required lease addendum
- Information regarding the Family Self-Sufficiency (FSS) Program

Appendix

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